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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,195	08/08/2003	Atsushi Arai	114726-005	4106
24573	7590	06/10/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC			BRITTAIN, JAMES R	
PO BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	
			3677	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/637,195

Applicant(s)

ARAI ET AL.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08082003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

Applicant's election of Group I comprising claims 1-15 in Paper No. 03122004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 16 and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 03122004.

Drawing Objections

Figures 13 and 14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP §608.02 (g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 13 is objected to because of the following informalities: The term --through-- (line 6) is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 3-5 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "the decorative member is formed variously, and the intermediate portion is formed in a certain shape" (claim 3, lines 3-4) is vague and does not particularly point out the subject matter. There are no metes and bounds within the claim to provide any guidance as to structure whatsoever. The limitation "the intermediate portion of the slider body coupling member has a common sectional shape" (claim 4, lines 3-4) is vague and does not particularly point out the subject matter. There are no metes and bounds within the claim to provide any guidance as to structure whatsoever. The passage "the resin cover-molded around the various decorative member is in a shape regardless of any shape of the decorative member" (claim 5, lines 3-5) is vague and does not particularly point out the subject matter. There are no metes and bounds within the claim to provide any guidance as to structure whatsoever.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Horita et al. (US 5181298) in view of Minato (US 5771546) and Dubost (FR 2665346).

Horita et al. (figure 6) teaches pull tab structure for a slide fastener slider, comprising a core member 10 formed by integrally joining, through an intermediate portion, a slider body

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coupling member and an extending member 14 with a translucent tortoiseshell member 20 (col. 5, lines 14-15, 24) secured around the extending member 14 by adhesive. By being translucent the cover member 20 permits light to pass therethrough and the outline of the extending member could be seen and thereby be considered decorative. As applicant discloses the use of translucent covers, this may be sufficient teaching of a material that can be seen through. The difference is that the tortoiseshell member 20 is not cover-molded and the extending member 14 cannot be easily seen. However, Minato (figures 6, 7, 9, 12) teaches that it is desirable to embed decorative elements 12 of various designs (col. 5, line 34) into the pull tab and that the pull tab need not be semi-transparent but can be transparent (col. 5, line 49) thereby providing the advantage of more easily seeing the embedded decorative element and Dubost (figures 1-3) teaches typical decorative utensil handle structure with a transparent cover 3 molded to the decorative core 2 so as to be more aesthetically pleasing. As increasing the decorative appeal of the pull tab is inherently desirable, it would have been obvious to modify the pull tab of Horita et al. such that the cover material is transparent rather than translucent in view of Minato teaching in the pull tab art that it is desirable to have decorative elements not just embedded in a semi-transparent material, but also a transparent material so as to better view the covered material and to further cover-mold the decoration would have been obvious in view of Dubost (figures 1-3) teaches typical decorative utensil handle structure with a transparent cover 3 molded to the decorative core 2 so as to be more aesthetically pleasing. The teachings of Dubost are considered analogous art because it is a handle used on an implement for personal use similar to a slide fastener pull tab and the desirability of providing a pleasing aesthetic appearance is faced in the field of utensil use just as well as in the garment field. In each, the handle on the utensil or the pull tab,

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plays a small role in unifying a design or pattern in a larger whole, the table appearance or garment style. As to the remaining claims, these are directed to matters of aesthetics and Dubost teaches the use of an arrow-head shaped decorative member 2. The particular configuration is a matter of aesthetic choice based upon common designs and Minato suggests that various designs are desirable (col. 5, line 34) thereby rendering obvious applicant's choices.

Conclusion

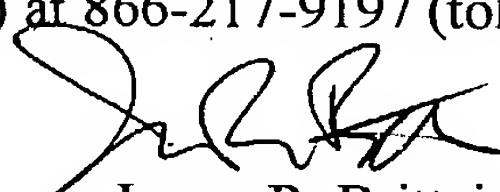
The patents of Akashi (US 4984338, figure 3; EP 369438, figure 2), Minami et al. (US 4704770, figure 9), and JP 2002-153322, figures 1-4) teaches pertinent handle structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB